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October 20, 2011

Judge Brian M. Cogan
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Morganelli, et al., v. Chemed Corp. and Roto Rooter Services Co.*, 10-cv-00876 (BMC)

Dear Judge Cogan,

I write to inform the Court that plaintiffs will not pursue the discovery that was the subject of the parties' October 6, 2011 joint letter to the court, Docket No. 218.

Thank you for your consideration of this matter.

Respectfully submitted,

/s/ Michael J.D. Sweeney

Michael J.D. Sweeney (MS 7959)

Copy: R. Holtzman, Esq.